IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

COPC No. 13 of 2002

Decided on 16th May, 2012.

Sh. Jagdish Singh, S/o Sh. Prem Singh, resident of village Parthipur, Police Station Gagret, Tehsil Amb, District Una, H.P.

...Petitioner.

Versus

1. Nirmala Devi widow of Karam Singh,
2. Avtar Singh,
3. Satish Kumar,
4. Rajesh Kumar,
5. Ramesh Kumar,
6. Surjit Singh,
7. Kushal Kumar,

   Sons of Karam Singh.
8. Jaswant Singh son of Mool Chand,
9. Rasil Singh son of Hari Singh,
10. Kashmir singh son of Jagat Ram,
11. Joginder Singh son of Bishan Singh,
12. Lekh Raj alias Kura son of Nanak Chand,

    All residents of Village Pirthipur, Tehsil Amb, District Una, H.P.

....Respondents/Contemnors.

Coram

The Hon'ble Mr. Justice Kurian Joseph, Chief Justice

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

For the petitioner : Mr. Ajay Sharma, Advocate.

For the Respondent :

Justice Kurian Joseph, C.J. (Oral)

The complaint is that order dated 30.3.3001 in CMP No. 180 of 2001 in RSA No. 116 of 2001 has been violated. The order reads as follow:-

"Notice returnable within four weeks. In the meanwhile, the parties are directed to maintain status quo qua the possession of the suit land."

2. Admittedly, the petition is one filed under Order 39 Rules 1 and 2. In case the order under Order 39 Rules 1 and 2 is violated, the remedy available to the petitioner is under Order 39 Rule 2-A. It is not a case for contempt under Section 11 and 12 of the Contempt of Courts Act. Therefore, this contempt petition is dismissed. As we find that the petition is filed also under Order 39 Rule 2-A, there will be a direction to the Registry to re-number the petition as Civil Miscellaneous Petition in RSA No. 116 of 2001 and post the same alongwith RSA NO. 116 of 2001 on 28.5.2012 before the Court hearing the appeal.

(Justice Kurian Joseph),
Chief Justice

16th May, 2012.
(kck)

(Justice Dharam Chand Chaudhary),
Judge.